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SUBJECT: NEW MEDIA LICENSING REQUIREMENTS - ANOTHER MEANS OF CONTROL

[1](#)1. Summary: On June 15 the Government of Zimbabwe (GoZ) published new media registration and licensing regulations. The new regulations are mandated under the controversial Access to Information and Protection of Privacy Act (AIPPA). AIPPA became law on March 15, 2002 and has since gained international notoriety for its use exclusively against journalists working for the privately owned and international media. The GoZ has used AIPPA's prohibition on "publishing falsehoods" to arrest 11 journalists on 21 different charges in the last 6 weeks. In our analysis, the new media licensing requirements give GoZ policy makers a new and more powerful weapon in their campaign to control all media operating in Zimbabwe. This cable offers an overview of the main features of the new regulations and how they will increase GoZ ability to control the media.

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Implementation Not Clear  
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[1](#)2. When and how the media must comply with the new licensing and accreditation requirements is unclear and makes media vulnerable to sudden closure. AIPPA provided for the establishment of a Media Commission to oversee all licensing and accreditation issues. Last week Media Commission Chairman Tafataona Mahoso said that media organizations and journalists working before June 16 could continue to work under existing company registration and accreditation. However, the extraordinary Government gazette published on June 15 (in which the fee structures were announced) is vague on when journalists and media organizations must apply. It says only that the Commission must act on applications within 60 days of receipt and that media in existence before June 16 may continue to work until their applications have been acted upon. This leaves open the possibility that the GoZ could order police to close any media organization and arrest any journalist who has failed to file an application for license or accreditation by COB on June 17. Given that the Commission has not yet worked out all the bureaucratic details, sudden closure of media organizations may be unlikely, but the privately owned and international media believe they are vulnerable to GoZ whim.

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Demands for Sensitive Corporate Information  
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[1](#)3. The application procedure demands that media license applications be submitted with detailed and sensitive corporate information. The required information includes market analyses, information about the organization's financial backers, business plans, projected 3-year earnings or losses, and the professional history of the organization's leaders. Clearly, this is not information a business would choose to give its competitors. Nonetheless, this requirement forces the privately owned media to provide this sensitive proprietary information to the government, which is, in essence, the competition.

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High Application and Registration Fees  
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[1](#)4. The sums being asked for application and registration fees are very high. Local media organizations have to come up with Z\$20,000 to apply for a license and Z\$500,000 if they get one. This is not a problem for state-owned media since they are able to rely on the government for funding, but is a significant amount to Zimbabwe's privately owned newspapers. International media are hit even harder. For example, to maintain their bureaus in Harare, Associated Press and Reuters will each have to pay a US\$2,000 application fee and US\$10,000 for a license, if one is granted. AP and Reuters are not sanguine that they will be

issued licenses and are not sure that, even if they do get licenses, they are willing to pay the US\$10,000 license fee. We believe the GoZ would be delighted if the wire services chose to move their operations rather than acquiesce to a questionable law and pay these high fees. Individual reporters will also be affected. The next time a reporter from the New York Times or Washington Post wants to visit Zimbabwe, they will be asked for a US\$100 application fee and US\$500 for the accreditation, if it is granted. These exorbitant accreditation fees are certain to diminish the number of journalists considering a reporting trip to Zimbabwe. This result fits neatly in the GoZ's recent record of refusing media visas to international reporters.

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Selective Application of the Law  
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15. AIPPA was signed into law in mid March. Since then, 11 journalists (10 Zimbabweans and 1 American) have been charged with 21 violations of the law. All of the journalists charged have been from either the privately owned or international media. Since AIPPA became law, government owned newspapers have published many false stories but not a single state-controlled journalist has been arrested.

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Freedom of the Media Viewed as a Danger  
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16. The chairman of the Media Commission believes that an unfettered press is a bad idea. Chairman Mahoso revealed some of the philosophical underpinnings of AIPPA and the aims of the Media Commission in an opinion piece he wrote for the June 16 government-owned "Sunday Mail." The article was entitled "Neo-Colonial Media Seeks to Undermine African Morale." In this piece, Chairman Mahoso argues that if the pen is indeed mightier than the sword, then the media must be more tightly controlled than weapons. He writes: "...African nations are waking up to the fresh need to own, manage and make accountable at least those mass media based within their own borders. These media, for the most part, have been employing foreign-borrowed frames of free-flow of information, transparency and press freedom in order to censor African history and to undermine African morale." In this and earlier articles, Chairman Mahoso makes clear that he believes the media must be tightly regulated. Chairman Mahoso's boss, Information Minister Jonathan Moyo, offered these thoughts at a June 15/16 media training workshop in Zimbabwe: "The greatest challenge to any media organization is globalization. It comes with several notions, such as the need for transparency and good governance, among others. Media organizations should question some of the notions and verify whether they are par to (sic) the country's point of view or priorities for the country" (government-owned "Herald" June 18, 2002).

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A Ray of Hope?  
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17. The Foreign Correspondents Association in Zimbabwe has filed a suit challenging the constitutionality of AIPPA. Although a High Court Judge ruled in May that the suit was not urgent (because, according to the judge, "the law does not immediately threaten journalists' ability to practice their profession"), the case will eventually be heard. While no one is overly optimistic that the case will receive a fair hearing, the suit does offer a small ray of hope that the law could be declared a violation of the constitutional right to freedom of expression. The newly formed Zimbabwe National Editors Forum also intends to challenge AIPPA in the courts. These two legal challenges may, at the very least, delay the GoZ's ability to exercise complete control over all of Zimbabwe's media.

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